

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Casey McCann	Team: Squad #14	CCRB Case #: 201903156	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 03/10/2019 9:24 AM, Monday, 03/11/2019 7:00 AM, Friday, 04/12/2019 8:00 AM	Location of Incident: [REDACTED]	Precinct: 71	18 Mo. SOL 9/10/2020	EO SOL 4/27/2021	
Date/Time CV Reported Fri, 04/12/2019 9:35 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 04/12/2019 9:35 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Blake Taylor	12925	956295	071 PCT
2. POF Breanna Depasquale	21026	963956	071 PCT
3. POM Danny Luo	05399	958847	071 PCT
4. POM Richard Weaver	16841	961439	071 PCT
5. POM Adeola Seidigbamuse	13982	961267	071 PCT
6. POM Shawn Wilson	05417	956336	071 PCT
7. POM Sandy Peralta	12833	943664	071 PCT
8. An officer			071 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Breanna Depasquale	Force: On March 10, 2019, at § 87(2)(b) in Brooklyn, Police Officer Breanna Depasquale used a taser against § 87(2)(b)	[REDACTED]
B.POM Blake Taylor	Force: On March 10, 2019, at § 87(2)(b) in Brooklyn, Police Officer Blake Taylor used physical force against § 87(2)(b)	[REDACTED]
C.POM Blake Taylor	Force: On March 10, 2019, at § 87(2)(b) in Brooklyn, Police Officer Blake Taylor used physical force against § 87(2)(b)	[REDACTED]
D.POF Breanna Depasquale	Force: On March 10, 2019, at § 87(2)(b) in Brooklyn, Police Officer Breanna Depasquale used physical force against § 87(2)(b)	[REDACTED]
E.POM Danny Luo	Force: On March 10, 2019, at § 87(2)(b) in Brooklyn, Police Officer Danny Luo used physical force against § 87(2)(b)	[REDACTED]
F.POM Adeola Seidigbamuse	Force: On March 10, 2019, at § 87(2)(b) in Brooklyn, Police Officer Adeola Seidigbamuse used physical force against § 87(2)(b)	[REDACTED]
G.POM Shawn Wilson	Force: On March 10, 2019, at § 87(2)(b) in Brooklyn, Police Officer Shawn Wilson used physical force against § 87(2)(b)	[REDACTED]

Officer(s)	Allegation	Investigator Recommendation
H.POM Blake Taylor	Force: On March 10, 2019, at § 87(2)(b) in Brooklyn, Police Officer Blake Taylor used physical force against § 87(2)(b)	
I.POM Blake Taylor	Force: On March 10, 2019, at § 87(2)(b) in Brooklyn, Police Officer Blake Taylor used physical force against § 87(2)(b)	
J.POM Richard Weaver	Force: On March 10, 2019, at § 87(2)(b) in Brooklyn, Police Officer Richard Weaver used physical force against § 87(2)(b)	
K.POM Richard Weaver	Discourtesy: On March 10, 2019, at § 87(2)(b) in Brooklyn, Police Officer Richard Weaver spoke discourteously to § 87(2)(b)	
L.POM Blake Taylor	Discourtesy: On March 10, 2019, at § 87(2)(b) in Brooklyn, Police Officer Blake Taylor spoke discourteously to § 87(2)(b)	
M.POF Breanna Depasquale	Abuse: On March 10, 2019, at § 87(2)(b) in Brooklyn, Police Officer Breanna Depasquale forcibly removed § 87(2)(b) to the hospital.	
N.POM Blake Taylor	Abuse: On March 10, 2019, at § 87(2)(b) in Brooklyn, Police Officer Blake Taylor forcibly removed § 87(2)(b) to the hospital.	
O. An officer	Abuse: On March 11, 2019, at an unidentified stationhouse, an officer did not process § 87(2)(b)'s complaint regarding an officer.	
P.POM Blake Taylor	Abuse: On April 12, 2019, in the vicinity of 480 Maple Avenue in Brooklyn, Police Officer Blake Taylor threatened to arrest § 87(2)(b)	
Q.POM Blake Taylor	Abuse: On April 12, 2019, in the vicinity of § 87(2)(b) in Brooklyn, Police Officer Blake Taylor threatened to remove § 87(2)(b) to the hospital.	
R.POM Blake Taylor	Abuse: On April 12, 2019, in the vicinity of § 87(2)(b) in Brooklyn, Police Officer Blake Taylor refused to provide his shield number to § 87(2)(b)	
S.POM Sandy Peralta	Abuse: On April 12, 2019, in the vicinity of § 87(2)(b) in Brooklyn, Police Officer Sandy Peralta refused to provide his shield number to § 87(2)(b)	

Case Summary

On April 12, 2019, § 87(2)(b) filed this complaint with the CCRB via telephone.

On March 10, 2019, at approximately 9:24 a.m., § 87(2)(b) an employee of a residence located at § 87(2)(b) in Brooklyn, § 87(2)(b) called 911 regarding § 87(2)(b) physically and verbally threatening staff. Police Officer Breanna Depasquale, Police Officer Blake Taylor, Police Officer Danny Luo, Police Officer Adeola Seidigbamuse, Police Officer Shawn Wilson, and Police Officer Richard Weaver, all of the 71st Precinct, responded. PO Depasquale used a taser against § 87(2)(b) (**Allegation A: Force**, § 87(2)(g)). PO Taylor used a hand strike and foot strike against § 87(2)(b) (**Allegations B and I: Force**, § 87(2)(g)), and all of the aforementioned officers used a forcible takedown (**Allegations C-G: Force**, § 87(2)(g)). PO Taylor allegedly “stomped” on § 87(2)(b)’s head (**Allegation H: Force**, § 87(2)(g)). PO Weaver also participated in the forcible takedown and asked § 87(2)(b) “What the fuck are you doing?” (**Allegations J and K: Force and Discourtesy**, § 87(2)(g)). During the struggle, PO Taylor told § 87(2)(b) “Give me your fucking hands” (**Allegation L: Discourtesy**, § 87(2)(g)). PO Depasquale and PO Taylor forcibly removed § 87(2)(b) to § 87(2)(b) (**Allegations M and N: Abuse of Authority**, § 87(2)(g)).

On March 11, 2019, § 87(2)(b) went to an unidentified stationhouse to file a complaint against PO Taylor. An officer allegedly refused to file § 87(2)(b)’s complaint at the stationhouse and instead directed him to CCRB posters on the wall (**Allegation O: Abuse of Authority**, § 87(2)(g)).

On April 12, 2019, at approximately 8:00 a.m., in the vicinity of § 87(2)(b) in Brooklyn, § 87(2)(b) called 911 to report his bike stolen. PO Taylor and Police Officer Sandy Peralta of the 71st Precinct responded. PO Taylor allegedly threatened to arrest § 87(2)(b) (**Allegation P: Abuse of Authority**, § 87(2)(g)) and threatened to remove § 87(2)(b) to the hospital (**Allegation Q: Abuse of Authority**, § 87(2)(g)). PO Taylor and PO Peralta allegedly refused to provide their shield numbers to § 87(2)(b) (**Allegations R and S: Abuse of Authority**, § 87(2)(g)).

The investigation obtained body-worn camera footage for the incident on March 10, 2019, which will be discussed in further detail below. There is no video footage of the incident on March 11, 2019 and no body-worn camera footage for April 12, 2019, § 87(2)(g).

Findings and Recommendations

Allegation (A) Force: On March 10, 2019, at § 87(2)(b) in Brooklyn, Police Officer Breanna Depasquale used a taser against § 87(2)(b)

The investigation established the following facts:

§ 87(2)(b) suffers from bipolar disorder, schizoaffective disorder, and anxiety. When PO Depasquale and PO Taylor arrived at § 87(2)(b) in response to § 87(2)(b)’s call, they spoke with § 87(2)(b) regarding what occurred with § 87(2)(b) then entered the lobby and was uncooperative with the officers. § 87(2)(b) entered the elevator in an attempt to leave the lobby and took a fighting stance by raising and clenching his fist. PO Depasquale issued a taser warning and tased § 87(2)(b) but the taser was unsuccessful in subduing § 87(2)(b). Officers entered the elevator and grabbed § 87(2)(b) removed him from the elevator, and took him to the ground in the lobby. § 87(2)(b) continued to resist the officers. Once the officers placed § 87(2)(b) into handcuffs, they lifted him off the ground. EMTs arrived and removed § 87(2)(b) to § 87(2)(b) for a psychological and medical evaluation.

§ 87(2)(b) (BR 01) testified that he was suffering from a schizoaffective episode and was hearing his daughter’s voice. § 87(2)(b) went down to the lobby to request his medication and to make a phone call. § 87(2)(b) was “in distress” and thus could not specify what he was doing while speaking with the staff member. The staff member refused to give § 87(2)(b) his

medication. Approximately 20 minutes later, officers arrived and § 87(2)(b) walked around speaking “gibberish.” § 87(2)(b) eventually sat on the arm of a chair drinking coffee before he began to feel that he was in danger. § 87(2)(b) backed into the elevator and PO Depasquale tased him once. One prong of the taser lodged in § 87(2)(b)’s stomach area, while the second prong went into the sleeve of § 87(2)(b)’s coat. § 87(2)(b) remained standing after PO Depasquale used the taser.

§ 87(2)(b) (BR 02) testified that when § 87(2)(b) entered the lobby, he appeared to be under the influence of “heavy drugs,” as his eyes were bulging and his speech was slurred. As such, § 87(2)(b) did not want § 87(2)(b) to make a phone call. § 87(2)(b) became enraged and flipped over a medicine tray, which fell to the floor and broke, as well as furniture in the activity room. When he exited the activity room, § 87(2)(b) told § 87(2)(b) “I’m going to go upstairs and when I come back, watch and see what I will do.” § 87(2)(b) then called 911.

PO Depasquale (BR 03) and PO Taylor (BR 04) provided consistent testimony that upon their arrival, they spoke with § 87(2)(b) who confirmed that § 87(2)(b) was angry that he could not make a phone call. Due to § 87(2)(b)’s behavior and the information § 87(2)(b) provided, PO Depasquale and PO Taylor deemed § 87(2)(b) an emotionally disturbed person (EDP).

PO Depasquale added that upon her arrival, there were papers all over the floor of the lobby, which § 87(2)(b) had previously thrown. PO Depasquale asked § 87(2)(b) to pick up the papers, but he said, “The papers are going to bite me,” which furthered PO Depasquale’s belief that § 87(2)(b) was an EDP. After approximately five minutes of trying to speak with § 87(2)(b), § 87(2)(b) said, “I can take you guys,” and entered the elevator. Once in the elevator, § 87(2)(b) said, “Y’all want to play manhunt?” § 87(2)(b) raised his fist and still had a hot cup of coffee in his hand. Because § 87(2)(b) was unresponsive to previous de-escalation techniques and was still exhibiting threatening behavior, PO Depasquale deployed her taser.

PO Depasquale’s body-worn camera footage (BR 05-06) depicts § 87(2)(b) standing in the lobby yelling about making a phone call. § 87(2)(b) is holding a red cup in his hand. There are papers all over the floor (<<00:30 – 01:00>>). PO Depasquale asks § 87(2)(b) “Are you going to calm down if I put [the taser] away?” § 87(2)(b) says, “Yeah. Put that away. I’ll calm down ... and back up with the shield,” while pointing toward another officer. PO Depasquale says, “He’ll put the shield down” to § 87(2)(b) and, “I got it. Just...” to another officer. § 87(2)(b) then sits down on the arm of the couch (<<05:07 – 05:26>>). After sitting down for approximately 30 seconds, § 87(2)(b) says, “Y’all want to play motherfucking manhunt to see how this shit go? Okay,” and presses the button of the elevator, which he could reach from the arm of the couch. § 87(2)(b) backs into the elevator, while still holding the red cup and bounces up and down in the elevator akin to a boxer. § 87(2)(b) raises his left fist, clenches it, and says, “Yeah, bring it.” PO Depasquale points her taser at § 87(2)(b) and says, “Just chill and come out. Let’s go. Come on. Come outside. I’m going to tell you one more time,” but § 87(2)(b) does not respond. PO Depasquale then issues a taser warning and discharges her taser. § 87(2)(b) remains standing in the elevator after PO Depasquale tases him (<<05:52 – 06:22>>).

PO Depasquale’s TRI was consistent with her testimony and BWC footage (BR 07).

A conducted electrical weapon (CEW) should only be used against persons who are actively resisting, exhibiting active aggression, or to prevent individuals from physically injuring themselves or other person(s) actually present. Active aggression is a threat or overt act of an assault (through physical or verbal means), coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent. NYPD Patrol Guide Procedure 221-08 (BR 08).

§ 87(2)(g)

§ 87(2)(g)

Allegation (B) Force: On March 10, 2019, at § 87(2)(b) in Brooklyn, Police Officer Blake Taylor used physical force against § 87(2)(b)

Allegation (C) Force: On March 10, 2019, at § 87(2)(b) in Brooklyn, Police Officer Blake Taylor used physical force against § 87(2)(b)

Allegation (D) Force: On March 10, 2019, at § 87(2)(b) in Brooklyn, Police Officer Breanna Depasquale used physical force against § 87(2)(b)

Allegation (E) Force: On March 10, 2019, at § 87(2)(b) in Brooklyn, Police Officer Danny Luo used physical force against § 87(2)(b)

Allegation (F) Force: On March 10, 2019, at § 87(2)(b) in Brooklyn, Police Officer Adeola Seidigbamuse used physical force against § 87(2)(b)

Allegation (G) Force: On March 10, 2019, at § 87(2)(b) in Brooklyn, Police Officer Shawn Wilson used physical force against § 87(2)(b)

Allegation (H) Force: On March 10, 2019, at § 87(2)(b) in Brooklyn, Police Officer Blake Taylor used physical force against § 87(2)(b)

Allegation (I) Force: On March 10, 2019, at § 87(2)(b) in Brooklyn, Police Officer Blake Taylor used physical force against § 87(2)(b)

It is undisputed that after PO Depasquale tased § 87(2)(b) which was unsuccessful in subduing him, officers used physical force against § 87(2)(b). The officers used a forcible takedown to get § 87(2)(b) out of the elevator and into the lobby. PO Taylor also used hand and foot strikes to gain § 87(2)(b)'s compliance.

§ 87(2)(b) testified that after he was tased, officers entered the elevator and pushed him into the wall of the elevator so that his chest was against the wall. § 87(2)(b) moved his body to get the officers off of him. PO Taylor "palmed" § 87(2)(b)'s head into the wall and punched § 87(2)(b) three times on the left side of his face. § 87(2)(b) tried to turn around to "break free" and exit the elevator. All of the officers grabbed § 87(2)(b) on his upper body, pulled him out of the elevator, and took him to the ground. § 87(2)(b) continued to move around on the ground, but he could not specify exactly how he was moving. Once on the ground, PO Taylor stomped on § 87(2)(b)'s head, causing his head to hit the floor. § 87(2)(b) grabbed PO Taylor's foot and pushed it backward to cause PO Taylor to lose his balance. § 87(2)(b) felt knees on his back and looked backward. PO Taylor jumped on § 87(2)(b)'s back with a bent knee more than three times. The officers then handcuffed § 87(2)(b)'s right hand. § 87(2)(b) moved on his side to try and get away from the officers, but the officers were able to handcuff § 87(2)(b)'s left hand. § 87(2)(b) could not estimate how long it took the officers to place him into handcuffs. § 87(2)(b) testified that he suffered broken ribs, bruising to the head and neck, and a "busted lip" as a result of the force used against him. At § 87(2)(b) medical staff performed x-rays which, showed that § 87(2)(b) had an old injury of four broken ribs.

PO Taylor testified that after PO Depasquale deployed her taser, the officers entered the elevator. PO Taylor grabbed § 87(2)(b)'s back and arms to get him out of the elevator, but § 87(2)(b) resisted by moving his arms and pushing the officers. PO Taylor used hand strikes in the elevator to gain § 87(2)(b)'s compliance, but he could not remember where he made contact with § 87(2)(b) or how many times he struck him. The officers pulled § 87(2)(b) out of the elevator and forcibly took him to the ground. § 87(2)(b) stiffened his body. PO Taylor used foot strikes to § 87(2)(b)'s back in an effort to get § 87(2)(b)'s hands. PO Taylor denied stomping on § 87(2)(b)'s head or jumping on his back with a bent knee. Other than the hand and foot strikes, PO Taylor denied using any other physical force against § 87(2)(b).

PO Depasquale testified that because the elevator was a confined space, the officers wanted to remove § 87(2)(b) from the elevator. The officers tried to grab § 87(2)(b)'s hands to handcuff him, but were unsuccessful in doing so. The officers then pushed § 87(2)(b) out of the lobby and § 87(2)(b) fell to the lobby floor. PO Depasquale remained focused on getting § 87(2)(b)'s hands, so she did not see any actions other officers took during the struggle. After approximately 30

seconds, the officers handcuffed § 87(2)(b) and picked him up off the floor.

According to PO Wilson's body-worn camera footage (BR 09, 06), after PO Depasquale deploys her taser, the officers enter the elevator. § 87(2)(b) is no longer visible, but he says, "Oh, shit. You're gonna punch me?" No punch is visible at the time § 87(2)(b) makes this statement (<<04:59 – 05:15>>). As the officers exit the elevator, § 87(2)(b) is still not visible, as all of the officers are surrounding him on the ground. PO Wilson uses his asp to hold down § 87(2)(b)'s right foot (<<05:16 – 05:39>>). PO Taylor appears to cock back his right arm, but it is not clear if he makes contact with § 87(2)(b) due to the number of officers struggling with § 87(2)(b) (<<05:53>>). Officers instruct § 87(2)(b) to stop resisting and to put his hands behind his back.

PO Taylor (BR 10), PO Depasquale, PO Luo (BR 11), PO Seidigbamuse (BR 12), and PO Wilson (BR 13) all completed TRIs for this incident. PO Taylor's and PO Depasquale's TRIs were consistent with their testimonies. PO Luo, PO Seidigbamuse, and PO Wilson all indicated in their TRIs that § 87(2)(b) wrestled/grappled and pushed/shoved the officers and that they used a forcible takedown in defense of themselves, other officers, and to overcome § 87(2)(b)'s resistance.

According to § 87(2)(b)'s medical records from § 87(2)(b) upon arriving to the hospital he complained of moderate pain to his left side. § 87(2)(b) did not complain or allege any other injuries upon his arrival. Medical staff performed x-rays of § 87(2)(b)'s ribs, which indicated "chronic fracture deformities of the left 8th, 9th, and 10th lateral ribs [and] chronic fracture deformities of the right 9th and 10th lateral ribs." No acute fractures were noted (see medical records).

Force may be used when it is reasonable to ensure the safety of a member of service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or prevent escape from custody. In determining whether the use of force is reasonable, members of service should consider: the nature and severity of the crime/circumstances, actions taken by the subject, immediacy of the perceived threat to the subject or members of service, and whether the subject is actively resisting custody. NYPD Patrol Guide Procedure 221-01 (BR 14).

Active resistance includes physically evasive movements to defeat a member of the service's attempt at control, including bracing, tensing, pushing, or verbally signaling an intention to avoid being taken into custody. NYPD Patrol Guide Procedure 221-02 (BR 15).

§ 87(2)(g)

§ 87(2)(g)

Allegation (J) Force: On March 10, 2019, at § 87(2)(b) in Brooklyn, Police Officer Richard Weaver used physical force again § 87(2)(b)

Allegation (K) Discourtesy: On March 10, 2019, at § 87(2)(b) in Brooklyn, Police Officer Richard Weaver spoke discourteously to § 87(2)(b)

PO Weaver completed a TRI for this incident, which indicated that he partook in the forcible takedown (BR 16).

In PO Weaver's body-worn camera footage (BR 17, 06), while officers are struggling with § 87(2)(b) on the floor, PO Weaver says, "What the fuck are you doing?" § 87(2)(b) did not

allege that PO Weaver or any other officer spoke discourteously to him.

According to the Department Advocate's Office, PO Weaver resigned from the NYPD on November 12, 2019 (BR 18). § 87(2)(g)

Allegation (L) Discourtesy: On March 10, 2019, at § 87(2)(b) in Brooklyn, Police Officer Blake Taylor spoke discourteously to § 87(2)(b)

As mentioned in Allegations J and K, § 87(2)(b) did not allege that PO Taylor or any other officer spoke discourteously when speaking with him.

In PO Wilson's body-worn camera footage, PO Taylor says, "Give me your fucking hands, then," and "Give me your fucking hands, bro," while struggling with § 87(2)(b) on the ground (<<05:39 – 05:59>>).

PO Taylor did not have an independent recollection of telling § 87(2)(b) "Give me your fucking hands" or otherwise using the word "fuck" during the incident. Upon review of PO Wilson's body-worn camera footage, PO Taylor identified his voice as saying, "Give me your fucking hands." PO Taylor made the statement because he was "under duress" and was attempting to gain § 87(2)(b)'s compliance.

While police officers are held to a high standard of conduct, traditional rules of etiquette cannot be applied to stressful enforcement situations. Disciplinary Case 2013-10143 (BR 19).

§ 87(2)(g)

Allegation (M) Abuse of Authority: On March 10, 2019, at § 87(2)(b) in Brooklyn, Police Officer Breanna Depasquale forcibly removed § 87(2)(b) to the hospital.

Allegation (N) Abuse of Authority: On March 10, 2019, at § 87(2)(b) in Brooklyn, Police Officer Blake Taylor forcibly removed § 87(2)(b) to the hospital.

It is undisputed that after the officers handcuffed § 87(2)(b) he was removed to § 87(2)(b) for an evaluation. It is also further undisputed that § 87(2)(b) was a threat to both himself and others.

As mentioned above in Allegation A, § 87(2)(b) testified that he was experiencing a schizoaffective episode during this incident. § 87(2)(b) an employee at § 87(2)(b)'s residence, testified that § 87(2)(b) became enraged after she informed him he could not make a phone call. § 87(2)(b) turned over a medicine tray, which broke, and furniture, as well as verbally threatened § 87(2)(b) saying, "I'm going to go upstairs and when I come back, watch and see what I will do."

PO Depasquale and PO Taylor provided consistent testimony that they both deemed § 87(2)(b) an EDP. PO Depasquale testified that she deemed § 87(2)(b) an EDP after he made the statement that the papers, which were all over the floor, were "going to bite" him, and because the facility specifically houses individuals that suffer from mental illness. PO Taylor deemed § 87(2)(b) an EDP due to his demeanor and the information obtained from staff that § 87(2)(b) was not taking his medication.

PO Depasquale prepared an AIDED report for § 87(2)(b) (BR 20), in which she noted that § 87(2)(b) physically threatened officers by clenching his fists. PO Depasquale also noted that she tased § 87(2)(b) and that he was taken to § 87(2)(b) for "medical evaluation."

§ 87(2)(b)'s Prehospital Care Summary notes that staff of the residence "states patient has schizophrenia and has been non-compliant with medications of unknown names. Patient highly aggressive and agitated in presence of EMS." § 87(2)(b)'s medical records from § 87(2)(b) indicate that he was "threatening to kill both staff and police officers on site." § 87(2)(b) made an "endorsement that he wants to kill the individuals involved in today. When asked if he has hurt people in the past, § 87(2)(b) showed his knuckles and said, 'Do you see all of these teeth

marks?” (see medical records).

Officers must take into custody any person who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which an officer believes is likely to result into serious injury to himself or others. NYPD Patrol Guide Procedure 221-13 (BR 21).

§ 87(2)(g)

Allegation (O) Abuse of Authority: On March 11, 2019, at an unidentified stationhouse, an officer refused to process § 87(2)(b)'s complaint regarding an officer.

§ 87(2)(b) testified that on March 11, 2019, at approximately 7 a.m., he went to an unknown precinct and spoke to an officer, whom he described as a desk sergeant. § 87(2)(b) described the desk sergeant as a white male, 5'11" to 6' tall, slim build, approximately in his 40s, and wearing a white uniformed shirt with stripes on it. § 87(2)(b) asked the desk sergeant for PO Taylor's name and badge number, which the desk sergeant provided. § 87(2)(b) told the desk sergeant he wanted to file a complaint against PO Taylor and the desk sergeant directed § 87(2)(b) to the CCRB posters on the wall at the stationhouse.

The investigation requested the 71st Precinct Roll Call (BR 22), as § 87(2)(b) lives in the confines of the 71st Precinct. The Roll Call listed that Sergeant Abdurahm Almontaser, who generally matched § 87(2)(b)'s description, was the desk officer and worked from 6:55 a.m. to 3:52 p.m. As such, the investigation interviewed Sgt. Almontaser, but he had no recollection of this incident. The only white shirt officer with a stationhouse assignment, Lieutenant Douglas Moodie, did not match the description § 87(2)(b) provided, as Lieutenant Moodie is a black male.

§ 87(2)(g)

Allegation (P) Abuse of Authority: On April 12, 2019, in the vicinity of § 87(2)(b) in Brooklyn, Police Officer Blake Taylor threatened to arrest § 87(2)(b)

Allegation (Q) Abuse of Authority: On April 12, 2019, in the vicinity of § 87(2)(b) in Brooklyn, Police Officer Blake Taylor threatened to forcibly remove § 87(2)(b) to the hospital.

Allegation (R) Abuse of Authority: On April 12, 2019, in the vicinity of § 87(2)(b) in Brooklyn, Police Officer Blake Taylor refused to provide his shield number to § 87(2)(b)

Allegation (S) Abuse of Authority: On April 12, 2019, in the vicinity of § 87(2)(b) in Brooklyn, Police Officer Sandy Peralta refused to provide his shield number to § 87(2)(b)

The investigation established the following facts:

On April 12, 2019, at approximately 8 a.m., § 87(2)(b) called 911 regarding his stolen bicycle, which he believed was taken by the super of a building down the block from § 87(2)(b) in Brooklyn. PO Taylor and PO Peralta responded to § 87(2)(b)'s 911 call and spoke with him about the bike. § 87(2)(b) provided a description of the bike to PO Taylor and PO § 87(2)(b) and looked at the bike. § 87(2)(b) alleged the super stole from him. Because § 87(2)(b) could not prove the bike was his and the ownership of the bike was disputed, PO Taylor and PO Peralta could not compel the super to give the bike back to § 87(2)(b).

§ 87(2)(b) testified that he had called 911 earlier in the morning, at approximately 6 a.m., when a tenant of the super's building informed him that his bike was in the back of the building. Officers responded, but told § 87(2)(b) it was too early for them to knock on doors to locate the super and suggested § 87(2)(b) "nicely" approach the super to try and get his bike back. The

officers then left. At approximately 8 a.m., when PO Taylor and PO Peralta arrived in response to § 87(2)(b)'s second 911 call, PO Taylor asked § 87(2)(b) to “prove” the bike belonged to him. PO Taylor then spoke with the super and went to view the bike in the back of the building with PO Peralta and the super without § 87(2)(b). When the officers returned, they informed § 87(2)(b) that he did not have enough information to prove the bike belonged to him. PO Taylor said, “If you call 911 again, I’m going to lock you up and take you to the hospital.” § 87(2)(b) asked PO Taylor and PO Peralta for their badge numbers, but they both left without providing them.

PO Taylor and PO Peralta (BR 23) provided consistent testimony that § 87(2)(b) identified the super as the individual who stole his bike. After speaking with the super, who claimed the bike belonged to him, the officers could not take any further action because § 87(2)(b) did not have any proof that he owned the bike.

PO Taylor testified that at approximately 10:15 a.m., the officers again responded to § 87(2)(b)'s 911 call, in which he requested that a supervisor respond to the location. PO Taylor and PO Peralta responded with their sergeant, Sergeant Fitzroy Vigilance of the 71st Precinct. The officers tried to obtain footage from § 87(2)(b) to see if it captured anyone taking § 87(2)(b)'s bike, but the staff could not gain access to the surveillance system. § 87(2)(b) was upset and informed the officers that he would continue to call 911. PO Taylor told § 87(2)(b) that if he continued to call 911, he would remove him to the hospital as an EDP because continuing to call 911 was “not normal.” PO Taylor denied threatening to arrest § 87(2)(b) and denied § 87(2)(b) ever asking for his and PO Peralta’s shield numbers. PO Taylor denied refusing to provide § 87(2)(b) with his shield number.

PO Peralta testified upon the officers’ arrival at 8 a.m., he believed § 87(2)(b) was an EDP because he would not look directly at the officers and spoke to the wall. PO Peralta said that § 87(2)(b) asked for his and PO Taylor’s name and shield numbers repeatedly, and they both verbally provided that information to him multiple times. PO Peralta denied ever refusing to provide § 87(2)(b) with his shield number or hearing PO Taylor do so. PO Peralta denied hearing PO Taylor say, “If you call 911 again, I’m going to lock you up and take you to the hospital,” but said it was “a good assumption” because § 87(2)(b) was acting like an EDP.

As mentioned above, there is no body-worn camera footage of this incident. PO Taylor and PO Peralta were not required to record this incident as per NYPD Patrol Guide Procedure 212-123, as the call came over as a 10-39 (other crimes in progress – harassment).

Officers must take into custody any person who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which an officer believes is likely to result into serious injury to himself or others. NYPD Patrol Guide Procedure 221-13.

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)

- § 87(2)(b) [REDACTED]
- [REDACTED]

- PO Depasquale has been a member of service for three years and has been named a subject in one prior CCRB complaint and one allegation, which was not substantiated. § 87(2)(g) [REDACTED]
- PO Taylor has been a member of service for six years and has been named a subject in two prior CCRB complaints and four allegations, none of which was substantiated. § 87(2)(g) [REDACTED]
- PO Luo has been a member of service for five years and this is the first complaint to which he has been a subject.
- PO Seidigbamuse has been a member of service for four years and has been named a subject in two CCRB complaints and six allegations, which are under active investigation.

§ 87(2)(g) [REDACTED]

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- As of May 24, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this complaint (BR 25).

- § 87(2)(b) [REDACTED]

Squad No.: 14

Investigator: Casey McCann Inv. Casey McCann 09/29/2020
Signature Print Title & Name Date

Squad Leader: Cassandra Fenkel IM Cassandra Fenkel 09/29/2020
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date